

States, and few State cession statutes required specific acceptance. In the absence of such legislation, the Supreme Court of the United States, at an early date, adopted the rule that acceptance of jurisdiction by the United States is to be presumed in the absence of circumstances indicating dissent.<sup>1</sup> As a result of this doctrine, much confusion and uncertainty has arisen from controversies as to whether circumstances negated the intent of the United States to accept jurisdiction.

**23. Law changed by Act of Congress approved February 1, 1940.**—It was to obviate the confusion resulting from such situations that there was included in the Act of February 1, 1940, *supra*, a provision requiring formal acceptance by the United States of jurisdiction over lands acquired subsequent to its passage. The pertinent part of that act reads as follows:

Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.

**24. Formal acceptance of jurisdiction necessary where lands acquired since Act of February 1, 1940.**—An Act of Congress approved October 9, 1940 (54 Stat. 1083), further amended Section 355 of Revised Statutes in certain matters relating to the approval by the Attorney General of title to land acquired by the United States, but it did not change the above quoted provisions of the Act of February 1, 1940, relating to jurisdiction. Therefore, the jurisdictional provisions of Section 355 as amended (U. S. Code, Title 40, Sec. 255), are applicable to all lands acquired since February 1, 1940. Jurisdiction must be formally accepted over lands acquired on and after that date.<sup>2</sup>

**25. Acceptance of jurisdiction over lands acquired on or after the Act of February 1, 1940, must be filed with the Governor of State.**—Section 355, Revised Statutes, as amended, requires no particular form or method of acceptance. Therefore, it would seem that, in the absence of some special requirement of the applicable State statute, any form of written notice given by an appropriate officer of the Federal Government would be sufficient if it

<sup>1</sup> *Leavenworth v. Lowe*, 114 U. S. 525, 528. See also *Kiker v. City of Philadelphia*, 346 Pa. 624, 31 A. (2) 289; *Valley County v. Bruce*, 77 P. (2) 403; 38 Atty. Gen. 341.

<sup>2</sup> *Adams v. United States*, 319 U. S. 312.